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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/128,394	08/03/1998	CURT D. TUDOR	RATLP007	2723

26541 7590 01/03/2002

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EXAMINER

ZHEN, LI B.

ART UNIT PAPER NUMBER

2151

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/128,394

Applicant(s) H. G.

TUDOR, CURT D.

Examiner

Li B. Zhen

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 8, 15, 16, 21, 22, 27, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 6, 15, 21, and 27 recite the limitation "the thread" in line 1. There is insufficient antecedent basis for this limitation in the claim. For the purpose of examination, the examiner will assume the recitation "the first thread."

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 6 and 8 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows U.S. Patent No. 6,009,269.

As to claim 1, Burrows teaches (column 3, lines 43 – 53; column 6, lines 30 – 40) determining unsynchronized access (concurrency error), first thread (acquiring thread), and suspending (held in wait state) the first thread. Burrows does disclose a second thread requesting access to the same resource. However, multiple threads can obviously request access to the same resource at the same time because threads operate independently of each other.

As to claim 2, Burrows teaches (column 7, lines 10 – 15) write access.

As to claim 3, it is obvious that the first thread would eventually wake up.

As to claim 4, Burrows teaches (column 3, lines 10 – 17) logging (record 195, Fig. 1) unsynchronized accesses.

As to claim 5, the first thread is suspended for a predetermined time (time thread waits for the requested resource to become available).

Referring to claim 6 as best understood, the event (requested resource becomes available) would awaken the first thread.

As to claim 8, Burrows teaches (column 2, lines 20 – 29) the use of memory.

As to claim 9, this is a product claim that corresponds to method claim 1; note the rejection of claim 1 above, which also meets the product claim.

As to claim 10, all of the listed storage mediums are well-known choices to store a computer program.

As to claim 11, 12 – 16, these are the same as claims 1 – 2, 3 – 7 except the resource is recited as a memory location; note the rejection of claims 1 – 7 above, which also meets this claims.

As to claim 17, this is the same as claim 9 except the resource is recited as a memory location; note the rejection of claim 9 above, which also meets this claim.

As to claim 18, this is the same as claim 10; note the rejection of claim 10 above, which also meets this claim.

As to claim 19, 20 – 22, these are the same as claims 11 – 13, 14 – 16; note the rejection of claims 11 – 16 above, which also meets these claims.

As to claim 23, this is a product claim that corresponds to method claim 19; note the rejection of claim 19 above, which also meets this claim.

As to claim 24, this is the same as claim 10; note the rejection of claim 10 above, which also meets this claim.

As to claim 25 - 28, this is the same as claims 19 – 22 with the addition of modifying existing program to include computer code. Burrows teaches (column 2, lines 42 – 67) modifying existing program to include computer code.

As to claim 29, this is a product claim that corresponds to method claim 25; note the rejection of claim 25 above, which also meets the product claim.

As to claim 30, this is the same as claim 10; note the rejection of claim 10 above, which also meets this claim.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows as applied to claim 6 further in view of Farrell U.S. Patent No. 5,630,128.

As to claim 7, Burrows does not teach a second thread that sends the event that awakens the first thread.

Farrell teaches (column 7, lines 27 – 35) a first thread (waiting thread), a second thread (data generating thread), an event (Unblock function call).

It would have been obvious to apply the use of a second thread to awaken the first thread as taught by Farrell to the invention of Burrows because it would notify the first thread that another thread has requested access to the same resource.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8am - 4:30pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Li B. Zhen  
Examiner  
Art Unit 2151

lbz  
December 31, 2001

  
ALVIN OBERLEY  
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